

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KIARA PERALTA and NAHOMI DAVID,
individually and on behalf of all others
similarly situated,

Civil Action No. 1:22-cv-04864-ALC

Plaintiffs,

v.

CLAIRES BOUTIQUES, INC.,

Defendant.

**DECLARATION OF YITZCHAK KOPEL IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

I, Yitzchak Kopel, declare as follows:

1. I am an attorney at law licensed to practice in the State of New York, and a member of the Bar of this Court. I am a Partner at Burson & Fisher, P.A., counsel of record for Plaintiffs. I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, could and would competently testify thereto under oath.
2. Attached hereto as **Exhibit 1** is a true and correct copy of the New York Department of Labor's Frequency of Pay Frequently Asked Questions, dated March 2021, *available at* <https://dol.ny.gov/system/files/documents/2021/03/frequency-of-pay-frequently-asked-questions.pdf>.
3. Attached hereto as **Exhibit 2** is a true and correct copy of the Hearing Transcript before Judge Jesse M. Furman in the case captioned *Gordon v. Bluetriton, Inc.*, Case No. 22-cv-02138-JMF (S.D.N.Y. Oct. 20, 2022).
4. Attached hereto as **Exhibit 3** is a true and correct copy of the Hearing Transcript

before Judge Gary R. Brown in the case captioned *Rodriguez v. Williams-Sonoma, Inc.*, Case No. 22-cv-02436-GRB-JMW (E.D.N.Y. Aug. 5, 2022).

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Hearing Transcript before Judge Kiyo A. Matsumoto in the case captioned *Davis v. Banana Republic, LLC*, Case No. 21-cv-06160-KAM (E.D.N.Y. Apr. 5, 2022).

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Hearing Transcript before Judge Cathy Seibel in the case captioned *Corporan v. Regeneron Pharmaceuticals, Inc.*, Case No. 21-cv-05069-CS (S.D.N.Y. Jan. 24, 2022).

7. Attached hereto as **Exhibit 6** is a true and correct copy of the Memorandum of the Industrial Commissioner, June 3, 1966, Bill Jacket, L 1966, ch. 548, *available at* https://nysl.ptfs.com/data/Library1/pdf/NY200060392_L-1966-CH-0548.pdf

8. Attached hereto as **Exhibit 7** is a true and correct copy of the Memorandum of the Industrial Commissioner, April 5, 1967, Bill Jacket, L 1967, ch. 310, *available at* https://nysl.ptfs.com/data/Library1/pdf/NY200060392_L-1967-CH-0310.pdf.

9. Attached hereto as **Exhibit 8** is a true and correct copy of an Opinion Letter from the New York State Department of Labor dated October 28, 2010, issued in response to Request for Opinion No. RO-10-0003, *available at* <https://statistics.labor.ny.gov/legal/counsel/pdf/Direct%20Deposit%20of%20Wages/Direct%20Deposit,%20Meal%20Breaks%20and%20Child%20Labor%20-%20RO-10-0003.pdf>.

10. Attached hereto as **Exhibit 9** are true and correct excerpts from the Federal Reserve's Report on the Economic Well-Being of U.S. Households in 2015, dated May 2016. The entire report can be found at <https://www.federalreserve.gov/2015-report-economic-well-being-us-households-201605.pdf>.

11. Attached hereto as **Exhibit 10** is a true and correct copy of New York Senate Bill S858 (2021-2022 Legislative Session).

12. Attached hereto as **Exhibit 11** is a true and correct copy of the Hearing Transcript before Judge Pamela K. Chen in the case captioned *Quintanilla v. Kabco Pharmaceuticals, Inc. et al.*, Case No. 2:19-cv-06752-PKC (ECF No. 27, June 30, 2022).

I declare under penalty of perjury under the laws of the United States and the State of New York that the foregoing is true and correct. Executed on November 8, 2022 at New York, New York.



Yitzchak Kopel